

Evidence heard in NYLSTROOM  
on TUESDAY, the 29th  
SEPTEMBER, 1953

Before the Committee of the  
LAND TENURE BOARD

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I N D E X

Mr. Hiemstra's address re Bridge	Pages 108 - 109
Dr. Lowen's reply to Mr. Hiemstra	Pages 110 - 114
Cross-Examination of J. de W. Joubert	Pages 114 - 190

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EVIDENCE RECORDED and TYPED by:

THE STELLA BEYLEVELD TYPING AGENCY,  
67A, Fox Street,  
Opposite Stock Exchange,  
Phone 33-7531  
Home 35-4809  
JOHANNESBURG.



VOLUME 2.

Part I.

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R.4 MNR. HIEMSTRA: Meneer die Voorsitter, ek was in verbinding met die Spoorweg Hoofbestuurder, en hy is nie in staat om nou onmiddellik te sê of die Munisipaliteit die koste van so'n brug moet dra, of watter proporsie daarvan moet gedra word deur die Munisipaliteit nie. Dit skyn of daar 'n moontlikheid bestaan, dat hoewel 'n gedeelte deur die Munisipaliteit moet betaal word, mits/<sup>dit blyk</sup>so'n brug nodig is, en mits dit blyk dat 'n gewone gelyk oorgang nie voldoende is nie. Dit is iets wat nie binne 'n paar minute, of selfs 'n uur deur die spoorweë kan beslis word nie. Die Hoofbestuurder het aan die hand gegee dat ons 'n brief rig aan hom, met besonderhede daarin, van hoeveel mense waarskynlik sal woon in die nuwe aanleg, en dan sal hy skriftelik meedeel watter vorm van brug daar nodig is, en wat die koste daarvan sal wees, en watter gedeelte van die koste deur die Munisipaliteit moet gedra word. In die omstandighede, Meneer die Voorsitter, gee ek aan die hand dat nou goen getuienis geleë word nie oor die konstruksie van so'n brug nie, dat u vir u ondersoek die outentieke informasie afwag van die spoorweg hoofkantoor. Nou, vir die geval dat dit mag blyk dat die koste so hoog is dat C.6 nie geregverdig is nie, sal ek in die alternatief C.7 aan die hand gee, Mnr. die Voorsitter. Die Stadsraad is bereid om C.7 aan te beveel; in hulle alternatiewe skemas wat hulle in die begin voorberei het was C.7 ook as een van die gebiede waarmee hulle genoe sal neem. Die beswaar wat skriftelik ingestuur is insake industriële gebied aldaar, die kan opgelos word, want dit is nog nie geproklameer nie, en die Stadsraad het ander grond



grond waar hulle se'n gebied sou kan maak. Hulle is bereid dat as C.7 vir die Komitee aanneemliker is, dan is die Stadsraad heeltemal bereid om C.7. Nou, ek trek nie C.6 terug nie, Moncer die Voor- sitter, onder geen omstandighede nie, maar ek stel C.7 voor as 'n alternatief, en die beslissing sal met die Komitee berus, ahangende van die informasie wat kom van die Spoorweg Hoofkantoor.

I will just repeat in English what I said, Mr. Chairman. I rang up the General Manager of Railways, and he said that it is not possible to give an immediate reply to the question whether the Municipality must contribute anything, or how much it must contribute to the construction of a bridge, or even whether a bridge must be constructed at all. It depends on information which must be given to him, and he invited me to send him the information in writing, and he will reply in writing; and I suggest that no evidence be led on the cost of the bridge, and that the Committee awaits the authentic information from the General Manager's Office. Now, in case the cost of the bridge, if there has to be one, is such that C.6 cannot be justified, for that possibility the Municipality is prepared to accept C.7, and I will also then ask you, Mr. Chairman, to allow me to lead evidence on the cost of C.7. Merely as an alternative, C.6 is not withdrawn by the Municipality.

DR. LOWEN: Sir, my difficulty is that now it appears that our suggestion - the bridge is a most important item in all these submission - was correct, but I shall not be satisfied, of course, with any



written correspondence exchanged now between any authority and the General Manager for Railways. My learned friend indicated that no evidence - or suggested that no evidence as to the cost should be led. Of course, I'm not at all bound by that, and if I feel it necessary, I shall lead evidence. But, the other question which arises is, is this. Here is a suggestion, still standing, as the main suggestion, that the area C.6 should, in the first instance, be set aside for Indian occupation. We have no evidence as to the necessity of the bridge. My learned friend seems still to doubt the necessity of the bridge, and as to the question of costs. Any correspondence which may be handed in will, of course, lead to a request on behalf of my clients to see the person who writes this, for cross-examination. But then the Council had no opportunity to consider such cost, and we are completely in the air as to what the Council intends doing. In other words, before the Committee is now a suggestion which is a half-baked one - an undigested one - and I say this, I gave it those terms, because nobody knows whether even the Municipality will have the money to pay for such a bridge, or whatever share they have to pay for such a bridge. The Committee may, under these circumstances, well consider whether it would not be a better idea to postpone these proceedings until we really know what is going on. You will have noticed from one case to the other, the Council has prepared certain estimates - they always have increased a



little bit, and whenever there is such a meeting, one hears that certain items have never been taken into consideration at all. So I don't make an application for it, but I just submit that under these circumstances it may be really a waste of time to go on with these proposals, because we don't really know whether anybody can carry them out.

Let me assume the meeting ends today, or tomorrow, or even the day after tomorrow, and we still don't know anything about any cost of bridges which may have to be built. What is the Committee going to consider? A suggestion of which the Committee doesn't even know whether the Municipality can carry it out or not. In these circumstances, and seeing that the Municipality started the ball rolling, and the Municipality submitted suggestions, the desirability of which this Committee has to test, and to recommend on, or otherwise - seeing that that is the position, we are really moving in vacuo, if I may say so, and for these reasons I think unnecessary costs are incurred by going on with proceedings on a basis as flimsy as the one made by the Municipality. And so the additional suggestion made, namely to substitute C.7 instead of C.6, again completely without any proper consideration by anybody

...

THE CHAIRMAN: (Interposing): Dr. Lowen, C.7 he merely said that he substituted, but those areas C.1 - all those areas are being investigated by the Board, not only C.6. They've all been referred to us, and we are investigating all of them.

DR. LOWEN: Yes, but what is my attitude to be



with regard to C.6, for instance, without knowing anything about cost. Anyhow, Sir, there it is, I can't take it further, if the Committee doesn't feel inclined ...

DR. VAN BILJON: (Interposing): Are you opposing the other areas?

DR. LOWEN: C.6? C.7? Oh, most definitely.

DR. VAN BILJON: C.7, C.4 and all those places?

DR. LOWEN:  
---/Well, I don't know. I'm just trying to find out what is most suitable. C.7 is definitely opposed. The others ...

DR. VAN BILJON: (Interposing): C.1?

DR. LOWEN: Well, C.1 alone, I shall say, I probably shall submit, is not sufficient. I shall suggest that the two areas be established, C.1 - oh no, I'm sorry ... no, no, C.1 of course, that is down there in the dip, near the brickyard. Oh no, we haven't taken that as a serious suggestion at all. That, of course, is most definitely opposed. I thought, Sir, you had in mind the areas higher up - C.3, and C.2, C.4. Well, I shall, after cross-examination, perhaps have to say something about that, but C.1 is strenuously opposed; C.6 is strenuously opposed; and C.7 is equally strenuously opposed. I just may mention that yesterday still C.7 was to be used for a big industrial area.

THE CHAIRMAN: No. It was never suggested. It was to the left, as you go out to the left.

--- DR. LOWEN: ---



DR. LOWEN: C.7? C.7 was opposed by the Council. C.7 is a suggestion by the Planning Committee, and C.7 is opposed by the Council on the grounds that opposite C.7 there will be an industrial area, and C.7 is to be reserved for the workers who will turn up to work at the industrial area.

THE CHAIRMAN: Yes.

DR. LOWEN: Today it is just an alternative, but that is a matter for comment later on. Now, Sir, in these circumstances, I think I had better go on with the examination of Mr. Joubert.

THE CHAIRMAN: I don't think you need waste much time about the bridge business. You said you are leading evidence as to what it would cost, and that you would ask me to call certain evidence, I understood from you.

DR. LOWEN: Yes.

THE CHAIRMAN: Well, I don't think we need have that evidence before us.

DR. LOWEN: Sir, if I may ask for amplification? Do I understand that the Committee is not at this stage, from what has appeared so far, not considering 6?

THE CHAIRMAN: Oh yes, we have to consider it.

DR. LOWEN: Oh, then I have to consider the

--- bridges. ---



bridges. But I'll come to the bridge much later.  
May I then perhaps go on with Mr. Joubert? (TO  
WITNESS):

DR. LOWEN: Mr. Joubert, I understood from you  
yesterday, that at the meeting between the Town  
Council and the Committee of the Burgerlike Verenig-  
ing, various areas were mentioned as possibly suit-  
able for Indian occupation. I think about four  
different areas, is that correct? --- Dit is korrek,  
ja, Meneer die Voorsitter.

If you could kindly just indicate roughly where  
were the other areas which were discussed? --- Mnr.  
die Voorsitter, die een deel wat my Raad bespreek  
het was 'n deel glo aan die turf kant. Dit is glo  
waar C.7 geleë is, net meer suid.

Could you point it out on the map. --- (Goes to  
map). Die een deel wat die Raad oorweeg het was  
hier, verder af, heeltemal weg van die C.7. Dit  
is ongeveer hier, dit skakel hier af by hierdie  
erwe. Dit is heeltemal by die uithoek, die weste-  
like uithoek van die dorp.

May I just ask you there, how far away from the  
town, from Potgieter Street? --- This is Potgieter  
Street, adjoining there.

Well, how far away? Two miles? --- Nee. Nee,  
dit sal nie twee myl wees nie, dit is ongeveer 'n  
myl. Ongeveer 'n myl.

About a mile this way? --- Ja.

--- Through ---



Through which street would one have been able to reach that? --- Die hele Potgieterstraat, en dan is hier 'n straat wat daar so kan ingaan, en hier is ook 'n straat wat daar ingaan, Ellenstraat, daarop.

Yes, and between these last erven here, which are all vacant, of course, aren't they? --- Nee, hulle is nie almal leeg nie, daar is wonings.

All right. Then there is quite a bit of veld, and then the township had to start there, about a mile away? --- Nie hiervan af nie. Dit sou sowat 400 tree, meen ek. Die Raad het nie daar besluit definitief nie. Dit sou omtrent 400 tree wees.

That's about a mile from Potgieterstraat? --- Ja, dit sou korrek wees.

That was the one suggestion, and the other? --- Die ander deel was waar die kerkhof is, Meneer die Voorsitter, ek wil net hier wys. Die ander deel was hier waar die kerkhof is. Die kerkhof lê omtrent net hierse. Die ander deel sou daar gewees het.

Couldn't we trace that on that map, because this doesn't show the town at all. I saw a cemetery on the road Collins Street to Pretoria. Is that what you have in mind? --- No, no, that isn't the one.

Oh, that is not the cemetery? --- Nee. Dit is oorkant by die voetbal veldo. Ja, dit is Bergstraat hierse, Mnr. die Voorsitter, dit sou dan af Bergstraat wees, aan die Ooste kant van Bergstraat.



Across the railways? --- Nee, dit sou nie oor  
die spoorweg/nie. Dit is daar in Bergstraat, onder-  
kant Bergstraat, aan die Suidekant van Bergstraat.

Yes, again quite out of town? --- Ja, dit is  
aan hierdie deel ...

Yes, but quite out of town? --- Ja, dit is uit  
die dorp uit.

That's about how far from the centre, from the  
Post Office? --- Omtrent 'n myl en 'n half.

A mile and a half? --- 'n myl en 'n half, ja.

No special significance that there was a cometry?  
That was not a ... I mean, why near the cometry? Was  
there any special significance to that?

THE CHAIRMAN: But Doctor, this is not before  
the Board.

DR. LOWEN: I want to test the idea of the  
Town Council, and I shall make submissions on that.

(TO WITNESS): That's the second one. Where's the  
third one? --- Die derde een was dan C.1 gowees, Mnr.  
die Voorsitter, die derde voorstel was C.1, en die  
vierde een is dan C.7; suid-ooste anderkant die spoor-  
lyn, ten weste van die Settlers-pad, dit is C.7. Dit  
is daardie, C.7.

Thank you. I understand, Mr. Joubert, correct  
me if I'm wrong, that at one time there was a suggestion  
also to put the Indians near the Vaalwater Road, where  
there is a hill? You know what I am talking about,

--- what ---



what vicinity? ---- Ja, ek weet waar die omgewing is wat u van praat.

Wasn't there a suggestion to put them there?

--- Nee.

Are you sure? --- Nie wat ek van bewus is nie, Meneer die Voorsitter.

You don't know it, you say? --- Nee, ek weet nie daarvan nie.

All right. Now, with all these proposals, you've told us already, the basis for all these proposals was that the Indians should leave town, that you told us? --- Volgens die voorstel.

Yes. ---- Die voorstelle hier is natuurlik nie binne in die dorp nie.

Was that after you people had been addressed by somebody on the Group Areas Act, or before? ---- Nee, dit is die onderhoud wat ons met die burgerlike komitee gehou het. Daar is dit besluit gewees.

But what I mean is, at that time, had you received advice on the principles of the Group Areas Act, on the meaning of the Group Areas Act, or did you receive better advice only later on? ---- Die het ons later ... ons het die advies, later het ons meer informasie gekry.

Yes. Now, Mr. Joubert, let me assume -- of course you are the spokesman for the Council -- I haven't got anybody of the Council in the witness



box ... by the way, do you know whether any of your Council is going to give evidence? Do you know?

--- Noe, sover as ek weet sal daar nie wees nie.

As far as you know, they shall not give evidence? --- Noe.

They said that you are their mouthpiece? ---

Ja.

Well, then, we have to take it from you, otherwise I would have asked one of the Councillors, if they had come. Assuming now - you see, I'm quite open with you, I'm quite honest - I'm going to test the honesty of the proposal. Because I shall submit - and I make no secret of it now - I shall submit to the Committee that all these proposals are completely dishonest proposals, meaning thereby that your Council is using the Group Areas Act, deliberately misunderstanding the Group Areas Act, in order to get rid of the Indian traders as competitors. That shall be my submission at the end. So I've told you now what I am driving at. I like to play with open cards, and now I shall ask you a question in order to test what I have said. Let me assume, Mr. Joubert, from what you know of your Council now, let me assume it had become necessary to separate the Afrikaans and the English-speaking people in Nylstroom by way of having separate group areas for them. You understand what I mean? --- Ja, Meneer die Voorsitter.

And let me assume that the Afrikaans-speaking and the English-speaking people both are in business,

--- trading ---



trading at present in Potgieter and in Collins Street. Do you think your Council would have suggested that one of the groups should move across the Railway into C,6? --- Meneer die Voorsitter, dit is 'n kwessie van wat my Raad sal besluit.

Yes, would you think, from the discussions you had, would you think that would ever have occurred to the Town Council, to move one section, the Afrikaans section, for instance, across the railway, to do business there? Do you think so? --- Meneer die Voorsitter, dit is 'n kwessie van wat my Raad sal besluit.

(Interposing): You don't want to answer that. No. All right, you can't answer that. I would like to give you the answer, and that would be, "Quite impossible." Now, let's come back to the cost question. You told us yesterday you have a Minute there of the 10th of September, dealing with cost. Have you got it there now? --- Ja.

And this Minute says that the cost will be £5,697 - something like that? Have I the figure correct? --- Ja. £5,629.

Now, was that the first time the cost was communicated to the Council? --- Nee, Meneer die Voorsitter.

When was the first communication made to the Council? --- Op 'n vergadering gchou in Julie - 27 Julio.



27th of July? ---- 27th July. Dit staan: "Die Raad besluit om die volgende vertoë beswaar in te dien." Dit is daar in die notule.

No, no. Just a second, I've seen that. That, Mr. Joubert, let's get that right, that is a Minute which preceded the actual complaint dated the 28th July, word for word. Isn't that so? Compare it, if you want to? --- Ja, Meneer die Voorsitter, hier op 27 Julie het my Raad besluit die prosedure van die toekenning van die erwe, dat verder hier ... "dat sanitêre water en elektriese dienste beskikbaar gestel sal word aan Indiërs teen dieselfde koste as vir blankes, en op dieselfde wyse." Dit is ook die koste beraming van £5,697 is ook hier.

May I see that? (Handed to Dr. Lowen). ---- So that was done on the ... ? --- (Interposing): 27th July.

27th of July? All right. Now, who worked out these figures? --- Die Stadsingénieur, Meneer Die Voorsitter.

And what was the total worked out? On what basis was the total worked out? --- Die Raad het hom opdrag gegee om uit te werk vir ons dat indien C.6 geproklameer sal word, die helfte daarvan, wat die koste sal wees om die nodige dienste daar aan te bring.

Yes. But what services was he told would be considered necessary? What services? What

--- kind ---



kind of water system? What kind of electricity system? Wasn't he told that? --- Ja, die het ok gister in die verklaring gemaak. In die verklaring gister is dit uiteengesit.

All right. He wasn't told anything about Albert Street, of course, the bridge in Albert Street, he was not told who worked that out? --- Nee, daar was nie 'n brug gemeld nie.

And he also wasn't told to work anything out for the bridge across the Railways? --- Nee, Meneer die Voorsitter.

You see, now, of course, Mr. Joubert, that apparently I wasn't so wrong? There seems to be a necessity, probably, at any rate, to have a bridge over the railways? You realise that now? --- Ja.

Yes, you listened to Mr. Hiemstra this morning, yes? --- Ja, Meneer die Voorsitter.

Now, he came without these items amounting to five thousand six hundred odd pounds. What was he told about water? Was he told how far the water should be brought in the township? --- Ja, die dienste moet daar aangebring word ten volle.

Yes. What services? Taps, or reticulation to each erf, or what? --- Ja.

What? --- Die hoof pype sal aangelê word, en dan die verspreiding na iedere erf. Dit sal alles aangelê word net soos dit hier in die blanke gebied is.



Of course, you haven't got this calculation, he will have that? ---- Ja.

You haven't got that? Right. Now was this figure of £5,600 ever put to the Burgerlike Vereniging? --- Nee, dit was nie voor die Burgerlike Vereniging. Dit is voor die Raad gesit.

Yes. But the Burgerlike Vereniging would, of course, be most interested in knowing the costs, wouldn't it? ---- (Witness hesitates).

Wouldn't it? ---- Dit mag hulle ... dit sal hulle interesseer, ja, maar dit is nie aan hulle voorgelê nie.

Because they pay for it. You don't pay for it? ---- Ja.

And the councillors don't pay for it? Somebody has to pay for it. Was that discussed with the Burgerlike Vereniging? --- Nie die koste nie, Menger die Voorsitter.

No. No. They still today don't really know what it will cost, isn't that so? The people in Nylstroom, do they know what it will cost? --- Nee, hulle sal nie weet op die oomblik nie. Die Raad weet wat dit sal kos.

No, they don't. And, of course, assuming the cost which was worked out to be £5,600, assuming that cost were to be £30,000 - just assume for a moment - would you think your Council would still

---- be ----



be keen on carrying out such a scheme? --- Dit is vir die Raad om daarvoor te besluit, Meneer die Voorsitter.

Yes, but the Raad doesn't come here. You are their spokesman. You see they sit there, they don't talk. You are the man who they asked to talk? --- Die Raad sou, wat the koste betref, dit oorweeg, en ook voorsiening daarvoor maak.

Have you had any discussions, from which you could tell - you are the man who is giving the evidence - from which you could tell the Committee that the Council would still propose the same scheme if it were to cost thirty thousand pounds? Can you say that? --- Ja, Edelagbare, die Raad sou daarmee aangegaan het. Ons sou die nodige voorsiening gemaak het, en ook 'n lening gekry het.

Mr. Joubert, please don't avoid my question. You understand my question perfectly well. I'm asking you the following question. Or, let me first clarify it. The only figure which was given to your Council was £5,697? --- Ja, Meneer die Voorsitter.

No other figure was mentioned? --- Nee.

It was never discussed with your Council that this may cost, for instance, £30,000? --- Nee, dit was nie aan die Raad voorgelê nie.

Can you say, from discussions which you have had with the Council, can you say that the Council would have come to the same conclusion, namely, to ask for a group area, if the cost were £30,000? ---

--- Ja, ---



Ja, Meneer die Voorsitter, die Raad ...

How do you know that? With whom did you discuss it? --- Die publiek het die Raad opdrag gegoo om aan te gaan met die saak.

Mr. Joubert, the public doesn't even know it costs £5,000. The public may think it costs nothing? You admitted that. The public doesn't know anything about costs? --- Dit is reg, Meneer die Voorsitter.

Quite. --- Die Raad weet net van hierdie bedrag, £5,600, maar die publiek het die Raad opdrag gegoo op daardie publieke vergadering wat gehou is om dit dour te voor.

You consider the Council members responsible men? --- Ekskuus, Meneer die Voorsitter?

Do you consider your Council members to be responsible men? --- (Witness hesitates).

Responsible men? --- Ja.

Suppose the public says, "We must have a certain scheme which must cost £250,000." Do you think because the public say so the Council will carry it out? --- Dit is vir hulle om te oorwoeg, Meneer die Voorsitter.

I ask you! --- Dit hang af, Meneer die Voorsitter, watter skema dit is ...

(Interposing): Mr. Joubert, you are <sup>in</sup> the wit-

--- ness. ---



ness box, the Council is only sitting and watching there, nothing else. You told us - and I'm testing the correctness of your answer - you told us although the Council never considered any higher figure than five thousand, and although you didn't discuss it with anybody of the Council, you still say under oath, that the Council would still maintain its application for the areas to be set aside, even if it costs £30,000. And I ask you: How do you know it? --- Ek neem aan dat die Raad dit definitief sou doen, Meneer die Voorsitter.

You assume it now? --- Ja.

The only reason for your assuming so is because the public gave a mandate to the Council to carry it out? --- Ja, Meneer die Voorsitter.

Right. Now, I have now told you that the public doesn't know anything about costs. Do you agree? --- Ja.

Yes. And you say the Council consists of responsible men, and I put it to you that the Council before doing anything, will consider cost? Isn't that so? --- Ja.

You haven't got anything here in Nylstroom which allows you just to take money out of a hole for instance? You haven't got the money, isn't that so? --- (Witness hesitates).

Mr. Joubert? --- Ja, Meneer die Voorsitter.

--- Have ---



Have you got any capital lying? I shall prove to you that you work with a deficit later on. I shall prove that to you? --- Ja, dit is in order.

You have nothing where you can just take money? You must borrow it somewhere? --- Dit is korrek, Mnr. Die Voorsitter.

If you borrow money you have to pay interest on it? --- Ja.

And you have to give security? --- Ja.

Yes. Quite. I'll ask you again: You have not discussed with any Councillor - are you still prepared to say that the Council would carry out at any cost, or would you rather say you don't know what the Council would do if the cost were say about £30,000? What do you answer? --- Mnr. Die Voorsitter, dit is moeilik om te sê wat die Raad sal besluit.

Quite. So I put it to you your answer really is, you could not say? Isn't that so? --- I beg your pardon?

You could not say whether the Council would carry out such a scheme if it were to cost say twenty-five or thirty thousand? You don't know? --- My eerlike opinie is dat die Raad sal dit baie ernstig oerweeg om daarmee deur te gaan.

THE CHAIRMAN: You've had that reply now about half a dozen times now, Doctor.

--- DR. LOWEN: ---



DR. LOWEN: Yes, but it has been changed.

THE CHAIRMAN: It has not been changed.

DR. LOWEN: Sir, I beg your pardon, but it has; and I say how it has changed. First he said he doesn't know; then he said the Council will do it; then he said it is convenient; and now he says in his opinion the Council will consider it. These are the four answers we have on record. Anyhow, we'll wait; perhaps a councillor will come into the box and tell us. (TO WITNESS): Now, Mr. Joubert, let's leave the subject for a minute. I asked you yesterday about any friction, and you said there was no friction. Am I right in saying that as far as the police, or criminal record is concerned, there is no complaint against the Indian community as far as the law is concerned. They are law-abiding citizens? --- Ja, Meneer die Voorsitter.

DR. VAN BILJON: We had that yesterday, Dr. Lowen.

DR. LOWEN: I did not. I only asked whether there was friction, Sir. I have a good memory for questions which I put.

DR. VAN BILJON: It's the same question.

DR. LOWEN: It's not the same question - friction with the community, and now I'm asking about the police record, or the criminal record - an entirely different question. (TO WITNESS): There was no complaint about miscegenation, or

--- anything ---



anything like that? --- Nee, Meneer die Voorsitter.

No complaint about any social disturbances? ---  
Nee, Meneer die Voorsitter.

And so far, for the last thirty years, I take it, no harm ever came through the Indians in this town, did it? They are ratepayers? --- Sover ek weet nie, Meneer die Voorsitter.

Well, you would know if there would have been any harm? --- Ja-nee, daar is nie kwaad aan ons gedoen daardie tyd nie.

Yes. And since there are so many Church representatives, do you know whether the Indians have ever interfered with the Churches here, or the Church services, or anything like that? --- Nee, Meneer die Voorsitter.

Never, all right. Now, Mr. Joubert, we heard that altogether four erven are owned by the Indian population here, that's Erf 155, 194, 128 and 127 - is that correct? And there's one other erf -- yes, and 79 and 80. So altogether five erven - six erven, I'm sorry. Six erven? --- Ja, Meneer die Voorsitter.

Right. The improvements made by the Indian owners are very considerable, aren't they? You have said something at the bottom of your ... ?  
--- (Interposing): Dit is daar aangegee, Meneer die Voorsitter.

Yes. Now, these improvements which you have



shown here as amounting to £41,100, they don't include the building for the school? --- Nee, Meneer.

They don't. We'll leave <sup>out</sup> the school for the time being. Not the school which is on municipal ground. Now this forty-one thousand one hundred, this figure, I take it, comes from your valuation roll? --- Ja, Meneer die Voorsitter.

Yes. And, of course, we know that the real value is considerably higher than the one which appears on the valuation roll? You know that, don't you? Mr. Joubert? --- Dit is moontlik dat dit 'n ietsie kan hoër wees.

Yes, that's the same in every town. Would you be surprised if I would say that the total improvements - actual value - commercial value of the total improvements amounts to about £75,000, instead of £41,000? --- Wat ons lys betref, Meneer die Voorsitter, is dit waardeer vir daardie een-en-veertig duisend vir besigheid.

Do you own a house? --- Ja.

You own a house? What's the municipal valuation of your house? --- Hy is nog nie gewaardeer nie, hy is nog aan die bou op die oomblik.

Did you ever own a house before? --- Ja, Meneer die Voorsitter.

What was the municipal valuation? --- £2,500.

And what was the actual value? What did you sell it for? --- What did I sell it for?

--- Yes, yes. ---



Yes, yes? --- Ek het hom verkoop vir two-duisend-ses honderd.

Oh, I must say this didn't work. Very cheap! Was there something wrong with the house, or what was it? Anyhow, let's not go into that. Don't let's go into that. But you agree that generally the town valuer is fairly lenient, and generally values are much higher than those which appear on the list? --- Ja.

Quite. I want to put it to you about £75,000? Would you agree that that maybe correct, all the buildings? --- Dit kan moontlik wees, Meneer die Voorsitter.

Yes, quite. --- Dit kan moontlik wees.

Now, you have seen for instance, at present, there is here in Potgieter Street, a new shop has just been finished - a new shop building - three big windows, three double doors, belong to Mr. Mossam? --- Dit is korrek.

That alone must have cost a considerable amount of money? --- Ek reken so, Meneer die Voorsitter.

Yes, you would assume that. Now, the Mosque, who pa for that? We must have it on record - we probably know, / <sup>but</sup> we must have it on record - who paid for the Mosque? --- Dit sal die Indiër gemeenskap wees.

Yes. And who paid for the Madressa? You know

--- the ---



the religious school, the Madressa? Ever heard the name? --- Nee.

Oh well, Madressa <sup>it's a</sup> -/religious school, which is near the Mosque. All these buildings they were paid for by the religious community? --- Dit sal korrek wees, ja.

Quite. And the ground is owned by whom? --- Indiër gemeenskap.

Quite. In the name of the Minister, under a certain law, but the ground belongs to the Indian community too? --- Ja.

Now let's go to the government school. You know the one near the sports ground? --- Ja.

We understand the ground was given to the Indian community by the Municipality by way of a formal lease - or, I mean, a nominal lease? Is that correct? --- Dit is reg.

Yes. How long ago? --- Dit is nou moeilik om te sê. 'n jaar of ...

The ground? I understand from 1931 ... ? ---  
(Interposing): Ja, dit sal korrek wees.

... and the school buildings were completed in 1934? --- Dit sal ook korrek wees. Die wonings daar is later voltooi.

Yes, that may be. You mean two teachers houses? --- Ja.

--- And ---



And I understand that when this land was given it was just bush? The Indian community made it ... you know took all the bush out, trees out ... ?  
--- Dit is korrek.

That's correct, yes. Now, who paid for the buildings? --- Die Indiërs.

The Indians paid for that. Of course, you don't know how much, but quite a ... You would realise that it must have cost quite a good penny? --- Dit sal 'n klompie woens, ja.

Yes, quite. And these buildings, would you agree with me, that the buildings, the Mosque, the Madressa, - the religious school - the government school, the teachers' quarters, the value of these buildings alone must be, well, at least £15,000? --- Dit is moontlik.

Now, when the Council - first alone, and then the Burgerlike Vereniging Committee, discussed the removal of the Indians from this town, breaking up their businesses, taking away their property, did the Council ever discuss what would happen to these public buildings? The Mosque, the school? --- Dit is nie opgehaal in die vergadering nie.

No. Nobody ever mentioned, that apart from the businesses, the Indians would completely lose all the money invested in these buildings? Nobody ever mentioned that? --- Nee, die kontrak, die kontrak, die ooreenkomste wat ons het, Meneer die Voorsitter, die sô dat as die Indiërs daar verlaat wanneer die tyd om is, dan sal die Raad daardie geboue uitkoop.



Where is that contract? --- Ons het hulle in die kantoor.

Will you please produce it after tea? I would like to see that contract. --- Ja.

Yes. That of course can only apply ...

THE CHAIRMAN: Interposing: Do you deny that, Doctor?

DR. LOWEN: Pardon?

THE CHAIRMAN: Do you deny it?

DR. LOWEN: Well, my information is that that is not so. There's no clause about that at all in there. Well, I would like to see it. I may have to withdraw ... I just want to see the contract before I make a statement. (TO WITNESS): But that, of course, could only possibly refer to the government school? Because the Municipality had nothing to do with the Mosque -- it's not their ground? --- Nee, die Mosque is nie op ons grond nie.

Of course it isn't. Nor the religious school, or the teachers' quarters near the Mosque? --- Dit is alleenlik daardie gebou op die sportsgrond.

Only that? Yes. Will you kindly show us that contract later on. Now, leave that out for the time being. What about the loss of all these other buildings -- the Mosque, and all this? Weren't you surprised that nobody ever thought of that? The loss which is caused to the Indian community, if

--- that ---



just  
that is/taken away? ---- Ja, dit is nie onder ...

H'm? ---- Dit het die Raad nie oorweeg nie.

Weren't you surprised that nobody mentioned that at all? Mr. Joubert, you, as an ordinary man, as the Town Clerk? Didn't you feel that there is something unjust in that? --- Meneer die Voorsitter, nee, ek het nie daaroor gedink nie.

DR. VAN BILJON: Dr. Lowen, sou hulle sommer die geboue dan vat? Ondervra hom bietjie. (AAN GETUIE): Sal julle die geboue sommer terug gevat het, of sou julle vergoed het daarvoor? --- Nee, die ooreenkomste, na die beste wat ek onthou, Meneer die Voorsitter, is dat daar is 'n klousule in, dat waar die kontrakte verstreke is, sal die Raad daardie eiendomme uitbetaal aan die Indiër gemeenskap, soos ooreengekom.

DR. LOWEN: Sir, I'm holding over the discussion of the government school, I'm holding that over until I've seen the contract. I'm now dealing with the Mosque, at the other place, which has nothing to do with the Municipality. There is no compensation possibly due under existing legislation. Just the Mosque is there; they can take it along; they can break it to pieces, and carry the bricks. (TO WITNESS): I am right, Mr. Joubert, the Municipality has no say over the ground where the Mosque is, it doesn't belong to the Municipality? --- Dit is die Indiër gemeenskap s'n.

Quite. Well, I'll ask you again: You as a



Town Clerk, weren't you surprised that when these suggestions were made to put them across the railway, nobody ever worried about the loss incurred for the Indian community? --- Meneer die Voorsitter, ek notu-leer net wat die Raad besluit.

Yes, I know ... I just asked if you weren't surprised. You are allowed to be surprised, aren't you? The Raad can't stop you from being surprised occasionally? Did it occur to you, Mr. Joubert? --- Dit mag by my voorgekom het, maar ...

And what was your reply then which you gave to yourself? It doesn't matter? --- Nee, ek het nie daaroor gedink nie, Meneer die Voorsitter.

You didn't think about it, yes. You see, if they were to go to another area, they would have to build up another Mosque again, wouldn't they, Mr. Joubert? --- Ons neem aan daar sal 'n Mosque gebou moet word.

And they would have to build up a new religious school, new teachers' quarters? Correct? --- Ja, dit sal natuurlik alles moet aangebring word.

Your Council doesn't consider to pay anything for that? --- Ekskuus, Meneer die Voorsitter?

Your Council doesn't consider to pay anything for that, to help them, give them money? --- Nee.

No, of course not. That they would have to do themselves again? --- Ja.

And, as far as the Government School is concerned, they would have to build their own school again, the



government school, wouldn't they? --- Ja. Hulle sal maar weer alles daar ... as hulle na 'n ander gebied, sal hulle moet die geboue daar oprig.

Quite, yes. So they lose their buildings and their positions in town. They lose their investments, and then they have to build up new schools, Mosque, and all that, out of their own pockets again? --- Ja.

And you realise, of course, all that would have to come out of their, in inverted commas, flourishing trade across the railways? Did your Council consider that? --- Hulle het nie oor die besigheid, Meneer die Voorsitter, hulle het net besluit om die gebied daar ...

(Interposing): All right. Now, Mr. Joubert, you told us you got some information about the Group Areas Act - were you ever apprized of the fact, that this Group Areas Act was to be administered with justice and fairness? I ask this question again after I have discussed all these items with you? Did you ever learn that? --- Dit sal so wees, Meneer die Voorsitter.

Would you still say that, considering the points which I have made now, that this would be a fair solution for the Indian community? --- Dit is my Raad se besluit en ...

(Interposing): Leave out the Raad se besluit. You are the spokesman now? --- Ja, Meneer die Voorsitter.

--- You ---



You still, under consideration ... you see, your Raad never considered these points, you told us so yourself. Considering these points now, do you still say that the Raad, considering these points, would still consider that a fair and just solution?  
--- Meneer die Voorsitter, hulle het so besluit.

Or would you agree with me that that would really amount to a piece of robbery? ---- Nee, Meneer die Voorsitter, daarop wil ek nie antwoord nie.

You wouldn't? Now, we'll talk about another subject. I now come to the industrial area which you have in mind. Are there any industries in Nylstroom?  
--- Op die comblik is daar nou nog nie.

Not one? --- Nywerhede nie. Ons verwag nywerhede.

Yes, but you must have quite some plans in your mind, if you set aside <sup>the</sup> big area on the left of this road to Settlers - you know you pointed it out across the railways - on the left, coming from town, there will be a big industrial development? ----  
Die terrein is daar uitgewys.

That's at present bush, isn't it? ---- Ja, Meneer die Voorsitter.

Yes. Now, surely, you don't just set aside land for industry unless you have made some enquiries as to what industries want to come to Nylstroom? ... Who wants to come to Nylstroom for industries? ---- Dit is voorsiening wat my Raad maak, Meneer die Voorsitter, ingeval daar aansoeke sal kom.

---- Yes, ----



Yes. You see, for the same reason, you could have set aside a lot of land for gold mines, not knowing whether there is gold here in Nylstroom. You may have it, I don't know, but ... You don't just set aside industrial areas at a place where there is no industries, Mr. Joubert? --- Meneer die Voorsitter, die Raad se idee is daar dat wanneer ons gaan slagpale bou, die slagpale ook op daardie terrein sal wees, en dit het dan die gevolg gehad dat ons dan aansoek gedoen het om 'n gebied uit te lê.

Where is your abattoir at present? Have you got an abattoir? --- Ja, hier in die deel van die dorp, maar ons sal hom laat verskuif.

Well, is there any decision to move this abattoir? --- Op die oomblik nog nie.

Well, why do you talk about it? --- Die Raad het dit in gedagte gehad.

Where is it? Can you show me a Minute about that? --- Dit sal baie lank terug wees, Meneer die Voorsitter.

How long? --- Seker 'n jaar, of twee.

And nobody has ever come back to that? --- Ons is besig met die slagpale op die oomblik.

Yes, all right, you have worked out what it will cost you? --- Nee, ons het nog nie tot finaliteit gekom nie.

You mean to say that for this one abattoir, which you haven't worked out, you set aside all this area as an industrial area? --- Nee. Dit het aanleiding gegee,

--- Meneer ---



Meneer die Voorsitter, dat die Raad, terwyl ons, die Raad besluit het, en meen dat dit die beste plek is vir die slagpale, het dit aanleiding gegee dat die Raad - dit is nie uitgemete erwe nie - dan aansoek doen vir 'n oordentlike gebied daarso, sodat indien daar later sou nywerhede aankom, dat ons die grond beskikbaar het.

All right. --- Dit is net voorsiening wat die Raad vooruit gedoen het.

Of course, you've never had any industries here, have you? I hear you have some monkey butter? Peanut butter? --- Ja, die het die Kooperasie daar.

That is this big building this side of the Railways? ---- Yes, on this side - the town side.

Well, that falls away. You never had any industries in Nylstroom at any time, did you? --- Nie wat ek op die oomblik van kan onthou nie, Meneer die Voorsitter.

Well, there couldn't have been industries which you can't remember here? You have been here for twenty-five years, surely if there had been anything, you would remember that - anything to speak of?

DR. VAN BILJON: Dr. Lowen, is that now necessary?

DR. LOWEN: Yes.

DR. VAN BILJON: Every town plans for the future, and in the past we know, that in past years, all these



cities and town have grown. Is it now necessary to put all those questions?

DR. LOWEN: Absolutely necessary. Yes, Sir, it is necessary, because, for the same reason, the Council, through its Town Clerk, could tell you now that they intend having a gold mine here. I'm going to show, and I'm going to question to show, that all this is a put up business, in order to say, "We must have the Indians there. This we need for industries; this we need for the workers of the industries; and I shall prove through my cross-examination - I hope so - that there is not the slightest chance, of having the smallest industry in Nylstroom.

DR. VAN BILJON: But there is also the possibility that even if the Town Council never asked for it, that there is the Group Areas Act, and there is the policy of separation in this country.

DR. LOWEN: Sir, apparently we do not agree, and I shall, of course, make my submissions on the meaning of the Group Areas Act.

DR. VAN BILJON: There is the Act.

DR. LOWEN: Sir, you have made this remark, with respect, for the second time. To me, I can only assume that the opinion is, that the Group Areas Act means to put people across the railways and the rivers. I shall submit that to use the Group Areas Act in this way is an absolute fraud. And this is where we don't agree. I'm going to prove, through my cross-examination, that this industrial area has been put up with the same justification as Pretoria could put up a scheme for milking cows in Church Street opposite the Supreme Court. Exactly the same. (TO WITNESS):



(TO WITNESS): You never had any industry here, did you? --- Meneer die Voorsitter, die aansoek wat ons gedoen het vir daardie uitleg is lank voordat ons groepsgebiede begin het.

Right. Have you any enquiries for any industries in your files? Did any concern, any industry, ever enquire and ask you whether they could buy ground for industrial purposes? --- Ja, Meneer die Voorsitter, hier was ... van die Shell Maatskappy.

When? --- Dit is 'n jaar of drie terug, het hulle gemeen om olie depots op te sit.

Three years ago? --- Ja, plus-minus drie jaar terug, ek kannie presies die datums onthou nie. Hier gebeur baie dinge, Meneer die Voorsitter.

Have they started it? --- Nee, nog nie.

Have you got their last letter which they have written to you? --- Daar is...

Would you bring it? --- Daar sal briewe wees, ek sal moontlik dit kry, ja, Meneer die Voorsitter.

May I meanwhile, until you get the letters, suggest to you that the fact that since three years you haven't heard from them any more, indicates that they are not interested in Nylstroom? Or you are still waiting for them to come? --- Dit het aanleiding gegee dat ons aansoek gedoen het vir daardie uitleg, Meneer.

That's not my question, Mr. Joubert. My question is ... --- (Interposing): Meneer die Voor-

--- sitter, ---



sitter, of hulle nou nog sal kom dit sal ahang van hulle.

Yes. But for the last three years you haven't heard of them? ---- Ja, twee of drie jaar terug het ek nie gehoor nie.

Since then you haven't heard from them any more? ---- Nee.

You don't seriously expect they will still come back to Nylstroom? ---- Ons het aan hulle geskryf ...

Yes, and? ---- ... meen ek, dat ons op die oomblik nie kan sê wat gaan gebeur, of ons dit uitgelê kry nie, en ons sal later weer aan hulle meedeel.

(Interposing): Could you bring me the correspondence? ---- Ek dink ek sal die korrespondensie kry, ja.

Now, apart from this oil depot, which hasn't come out yet, any other enquiries for industries? ---- Nee, nie op die oomblik nie, Meneer die Voorsitter.

How do you mean, "Nie op die oomblik nie" ? Would you like to have time to consider it, to think of it, or can you say now that there was never any other enquiry? ---- Ek verstaan nie nou mooi wat u bedoel.

You said "op die oomblik nie", do you mean you can't say it at present, or do you mean to say there is nothing at all pending which would lead to any establishment of industries here? Any enquiries? ---- Nee, op die oomblik is daar nie navrae meer nie, maar uitleg is gemaak daarvoor.

---- Yes. ----



Yes. And as far as you can remember the only enquiry made was that of the Oil Company, of the Shell Company? --- Ja. Dit is die enigste ...

(Interposing): Now, let's go back to the abattoir. The abattoir employs how many people? --- Dit is maar net die Gesondheids Inspekteur, Meneer die Voorsitter. Dit is maar op 'n baie klein skaal.

But how many? How many other people are employed at the abattoir? --- Net twee naturelle wat daar skoon hou.

Just two Natives? --- En dan die toesig van die Gesondheids Inspekteur.

And then you talked about this area C.7 which you said, until this morning, until Mr. Hiemstra announced that your Council may change its mind - when you told us even yesterday still, that opposite the industrial area - you know C.7? --- Ja.

That the Council wants to reserve for residences of the people who work in the industrial area - what workers did you have in mind? The two Natives? In the abattoir, or what workers? --- Nee, Meneer die Voorsitter, dit is vir moontlike nywerhede wat daar sal ontstaan. Ons weet nie wat gaan gebeur nie.

Yes, so I just call that some imagination, am I right? --- Nee, ons stel dit voor, en ons vermoed dit.

All right. Now we have the industrial areas. Mr. Joubert, there are very many erven vacant in town, aren't there? --- Ja, ek sal nie kan se hoeveel daar

--- leeg ---



leeg is nie. Daar is heelwat.

No, I don't ask you, but lots of erven are completely vacant in town? --- Daar is 'n taamlike klompie, ja.

Yes. And the Municipality, or the population of Nylstroom, doesn't look as if that will ever be pressed for space in town, does it? --- Nee, die grond is ... die dorp is groot, Meneer die Voorsitter. Daar is oop erwe.

Yes. In spite of this tremendous area which Nylstroom has, and in spite of these very many areas being vacant, nobody ever considered that there could be some place found in town for the Indian community, Mr. Joubert? --- My Raad se besluit ...

(Interposing): Now, doesn't that indicate, Mr. Joubert, to you - and please remember what I set out to prove - doesn't that indicate that the only object which your Council and the Burgerlike Vereniging have in mind, is to get the Indian traders out of town? Isn't that the only object then? --- (No reply).

Although you have so much vacant ground in town? No answer? --- Meneer die Voorsitter ... (pauses).

You don't want to answer that? --- Die beleid van die Wet is om segregasie te bewerkstellig.

Let's now talk about the beleid of the Wet. I have here the representation made by the Town Council on the 28th July, '53, in which, at the end the suggestion for area C.1 is withdrawn. If you will

--- kindly ---



kindly look up your Minute of the 27th July? Have you got it? 27th of July, there you have a long resolution - may I call it that? - with reasons and all that? --- Ja.

Have you got it? --- Ja, Meneer die Voorsitter.

Yes. And the verbatim ... and the copy of that was sent by way of a complaint to the Sekretaris of the Adviserende Raad vir Grondbesit. Correct? --- Ja, Meneer die Voorsitter.

I needn't show it to you, you agreed with me? Now, I'll read this here, and you can read ... it's exactly the same. The sentence which precedes No. 1: "Die Munisipaliteit maak beswaar teen die ondergenoemde voorgestelde groepsgebiede op die gronde daarby aangegee. (1) Ten alle koste wat behaal het wat grond vir Indiër okkupasie hetsy vir woning of vir besigheid gelaat word binne die voorgestelde blanke gebied soos omskryf in paragraaf (a) van u kennisgewing." So that in other words, Mr. Joubert, nothing is acceptable to the Town Council, nothing at all which allows the Indians to stay in town? Is that correct? --- (Hesitates).

Haven't you got it? Haven't you got it yet? --- Ek kan dit nog nie kry nie, Meneer die Voorsitter.

Well, then, I'd better wait until you have it. --- I've got the Minutes here.

It's your own Minutes? --- Page 1 or 2 of those Minutes.



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